IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
JAIPUR BENCH
S.B. Civil Writ Petition No.2111/06
Amit Mehra Vs. University of Raj. & Ors.

13.04.2007

Hon'ble Mr. Justice Mohammad Rafiq

Shri I.R. Saini for petitioner.
Shri R.A. Katta for respondent.

This writ petition has been filed by the petitioner with the prayer that the respondent University of Rajasthan be directed to accept his examination form for appearing in the Final Examination (III Year) of the Graduation Course of Bachelor of Arts (B.A.) scheduled to be commenced from 13.3.2006.

According to learned counsel for the petitioner, the petitioner had passed out the II Year Examination of B.A. in the year 2005 and was admitted in the III Year as a regular student from S.S. Jain Subodh P.G. College,

Rambagh Circle, Jaipur and persuaded his studies of the Final Year with that college having deposited the entire fees. In spite of the fact that the examination form was forwarded to the University of Rajasthan, the petitioner did not receive admission card till the end and finally had to approach this Court. This Court after hearing the learned counsel for the parties on 10.3.2006 found that though the application form of the petitioner was sent but it was sent with delay and therefore directed the University of Rajasthan to allow the petitioner to provisionally appear in the B.A. Part III Examination, 2005-06 subject to final decision of this writ petition.

The respondent college in its reply has admitted having forwarded the application form of the petitioner but according to Shri R.A. Katta, learned counsel representing the University of Rajasthan, the petitioner submitted his examination form on 27.2.2006 whereas the

last date for submission of such examination form was 27.12.2005 and that too with the late fee, which is three times of the examination fee upto 31.12.2005. What is more, the late fees sent by the petitioner was also sent delayed vide banker’s cheque dated 7.3.06. In these circumstances, it is prayed that the writ petition should be dismissed.

Upon hearing the learned counsel for the parties, I find that the objection of the petitioner was that he deposited application form with the respondent college which was required to forward it to the university. In its reply the college has admitted that though the petitioner sent the examination form with delay but it was forwarded to the university with the request that it should be treated as special case. The University has not denied having received the examination form, with delay. Now however the fact remains that the petitioner

has appeared in the examination though under the order of this Court. The dismissal of the writ petition would entail the consequences of petitioner loosing complete one year. That will also result in the efforts put in by the petitioner in attempting the examination of final year going waste. Although it is true that no premium should be given to a candidate who was negligent about his own interest but at the same time keeping in view that the respondent college has also pleaded the cause of the petitioner and that the petitioner has also actually appeared in the examination, it would be too harsh upon the petitioner to now require him to again appear in the examination for which he has already appeared. The result of the examination has not been declared so far.

In the peculiar facts of the case I therefore deem it appropriate to direct the respondents to treat the

examination form submitted by the petitioner in order and time and declare his result accordingly.

With these directions, the writ petition is disposed of with no order as to costs.

(Mohammad Rafiq),J.

Rs/-